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Attorneys for Plaintiff
VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,)	CASE NO. C08-03129 MMC
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO ADJOURN DEADLINE FOR
v.)	PLAINTIFF VNUS MEDICAL
)	TECHNOLOGIES, INC. TO RESPOND
BIOLITEC, INC., DORNIER MEDTECH)	TO COUNTERCLAIMS
AMERICA, INC., and NEW STAR LASERS,)	
INC. d/b/a COOLTOUCH, INC., DAVID S.)	
CENTANNI, and TYRELL L. SCHIEK)	
)	
Defendants.)	

1 Pursuant to Civil L.R. 6-2, Plaintiff VNUS Medical Technologies, Inc. ("VNUS") and
2 Defendant New Star Lasers, Inc. d/b/a CoolTouch, Inc. ("CoolTouch") have conferred and
3 respectfully request that the time for VNUS to respond to CoolTouch's counterclaims be adjourned
4 for the following reasons:

5 WHEREAS VNUS filed a complaint against Defendants biolitec, Dornier MedTech
6 America, Inc., CoolTouch, David S. Centanni and Tyrell L. Schiek (collectively "Defendants") in
7 the above-captioned action on June 27, 2008 and filed a First Amended Complaint on July 10,
8 2008.

9 WHEREAS VNUS served biolitec and CoolTouch with the First Amended Complaint on
10 July 11, 2008 and July 23, 2008, respectively.

11 WHEREAS CoolTouch filed an answer and counterclaims against VNUS in response to the
12 First Amended Complaint on August 6, 2008.

13 WHEREAS pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, VNUS
14 obtained a stipulation from biolitec and CoolTouch—the only Defendants that have been served to
15 date in this action—to file a second amended complaint adding allegations of infringement of U.S.
16 Patent No. 7,406,970, which is the recently issued continuation of one of the original patents-in-
17 suit. The Court has approved the stipulation and granted VNUS leave to file its Second Amended
18 Complaint. (D.I. 21).

19 WHEREAS in view of the expected amendment, VNUS has requested an adjournment of its
20 time to answer CoolTouch's counterclaims until after CoolTouch has responded to the Second
21 Amended Complaint, and CoolTouch has consented to the requested adjournment.

22 WHEREAS such adjournment will not alter the date of any event or any deadline already
23 fixed by Court order.

24 NOW THEREFORE, by and through their respective counsel, the undersigned parties
25 respectfully request that the Court adjourn the deadline for VNUS to respond to CoolTouch's
26 counterclaims from August 26, 2008 to ten (10) days after service of CoolTouch's response to the
27 Second Amended Complaint, in accordance with Rule 15(a)(3) of the Federal Rules of Civil
28 Procedure.

1 Dated: August 18, 2008

ATTORNEYS FOR PLAINTIFF
VNUS MEDICAL TECHNOLOGIES, INC.

2
3 /s/ Suong T. Nguyen

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5
6
7 Dated: August 18, 2008

ATTORNEYS FOR DEFENDANT
NEW STAR LASERS, INC. d/b/a
COOLTOUCH, INC.

8
9 /s/ James W. Geriak

10 James W. Geriak (Bar No. 32871)
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16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: _____, 2008

19
20 _____
MAXINE M. CHESNEY
United States District Judge